

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13238, of Richard A. and Marian H. Burgess, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court requirements (Sub-section 5305.1 and Paragraph 7107.22) for a proposed rear addition to an existing three story non-conforming structure occupied as a dwelling and an electrical contractor business in a C-2-A District at the premises 4306 Georgia Avenue, N. W., (Square 2914, Lot 19).

HEARING DATE: May 14, 1980

DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject property is located on Georgia Avenue between Varnum and Webster Streets, N. W., in a C-2-A zone District at premises known as 4306 Georgia Avenue, N. W.

2. The property is presently improved with a two story plus basement brick structure that has a one story addition at the front and a three story frame portion at the rear.

3. The ground floor of the front portion is used for an electrical contracting business with an apartment at the second story level.

4. The applicant proposes to raze an existing storage shed at the rear of the porch of the structure and construct a two story brick addition.

5. The addition will include an office on the first floor, with storage below at the ground level.

6. Both of the existing uses, a dwelling and an electrical contracting business are permitted as a matter of right in the C-2-A Zone District.

7. Adjacent to the north of the site is a two story commercial building which houses Dolphin and Evans Settlement Inc. Adjacent on the south is an upholstery business. Across Georgia Avenue is a group of single family detached and semi-detached dwellings. The west side of the subject block contains two carry-out restaurants, a frame dwelling, the offices of the

National Business League, a three story apartment building and a restaurant-bar, as well as the subject Burgess Electrical contracting company.

8. The subject lot 19 is a through lot which has street frontage along both Georgia and Iowa Avenues. Approximately one-half of Square 2914 is zoned C-2-A. There are a group of seven row dwellings which front on Iowa Avenue and an apartment building at the corner of Webster Street and Iowa Avenue. MacFarland Junior High School and Roosevelt High School are located directly across Iowa Avenue from the subject site.

9. The addition will add approximately 312 square feet of commercial floor area to the structure. Following the addition the total commercial floor area will be approximately 2,418 square feet where a total of 2,732 square feet is allowed.

10. The residential portion of the structure totals approximately 831 square feet where a maximum of 4,554 square feet is permitted.

11. The need for a variance in this case relates to the existing structure which has an open court of only three feet. As planned the addition will extend approximately 12.4 feet from the northern lot line which will leave an open court of about 12.5 feet at its widest point.

12. The Office of Planning and Development by report dated May 1, 1980 recommended that the application be approved. In its report the OPD noted that the proposed addition to this property will result in a structure which is some 300 square feet less than the allowable commercial maximum and some 3,700 square feet below the maximum residential floor area allowed. The adjacent properties to the north and south of this site are commercial. The OPD noted that the open court variance requested arises from the court on the south side of the existing structure rather than from the addition. The main structure was built in 1916. The Office of Planning and Development believed that it is impractical to provide a thirty foot open court in this case as required by the present Zoning Regulations. The proposed addition will occupy a portion of the lot which is now occupied by a storage shed. The OPD did not believe that the granting of this application will cause adverse impacts on adjoining or nearby properties. The Board so finds.

13. There was no opposition to the application.

14. Advisory Neighborhood Commission 4-C by letter of May 1, 1980 advised the Board that proper notification of the application had not been given to it since it had been informed unofficially on April 29, 1980 of the hearing. At the public hearing the staff explained that ANC 4-C was contacted by phone and advised that the application had been advertised in the D. C. Register thirty days prior to the public hearing and that the ANC-4C Chairperson had been advised by mail thirty days prior to the public hearing. It appears that the ANC on the interim had changed its address. The Chair ruled that the application would go forward. ANC 4-C made no recommendation in the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the application is seeking an area variance the granting of which requires a showing of a practical difficulty that is inherent in the property itself. The Board concludes that the practical difficulty as found in Findings 11 and 12 is inherent in the property. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, John G. Parsons, Connie Fortune and Leonard L. McCants to grant, Charles R. Norris not voting not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven S. Sherry *SS*

FINAL DATE OF ORDER: 25 AUG 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.